

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY APRIL 12, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2330**

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**Introduced by Assembly Member Arambula**

February 19, 2010

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An act to amend Section 14032 of, and to add Section 14033 to, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2330, as amended, Arambula. California Voting Rights Act of 2001.

Existing law, the California Voting Rights Act of 2001 (CVRA), prohibits the use of an at-large election in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. The CVRA provides that a voter who is a member of a protected class may bring an action in superior court to enforce the provisions of the CVRA, and, if the voter prevails in the case, he or she may be awarded reasonable litigation costs and attorney's fees.

This bill would require a voter to file a written claim with a county office of education ~~or~~, a school district, *or a community college district* prior to filing an action in superior court seeking enforcement of the CVRA against those entities. ~~The bill would require that the claim be filed 120 days prior to the date of the election.~~ The county office of education ~~or the~~, school district, *or community college district* would be required to respond to the claim within 30 days or the claimant would

be allowed to file an action. The bill would provide that the county office of education ~~or the~~, school district, *or community college district* would not be liable for a claimant's litigation costs or attorney's fees if the claim is accepted by the county office of education ~~or the~~, school district, *or community college district* or if the claimant accepts alternative relief proposed by the county office of education ~~or the~~, school district, *or community college district*.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) The California Voting Rights Act of 2001 (CVRA) was  
4 enacted to address concerns with racial bloc voting and was  
5 intended to provide a tool to maintain a fair and open electoral  
6 system.

7 (b) Since the enactment of the CVRA, numerous districts have  
8 had their election systems challenged. While agreeing to make the  
9 changes sought, some districts have faced demands for significant  
10 legal expenses.

11 (c) During this time of unprecedented and catastrophic budget  
12 cuts, the payment of such expenses forces districts to redirect scarce  
13 resources away from the classroom and students.

14 (d) It is the intent of the Legislature to ensure the original  
15 objective of the CVRA is maintained, while ensuring that local  
16 governments are not unnecessarily burdened by legal fees and  
17 costs.

18 (e) It is the intent of the Legislature that this legislation will  
19 encourage collaboration and provide a process for reviewing and  
20 analyzing election systems to determine which electoral system  
21 will best represents local communities.

22 SEC. 2. Section 14032 of the Elections Code is amended to  
23 read:

24 14032. A voter who is a member of a protected class and who  
25 resides in a political subdivision where a violation of Sections  
26 14027 and 14028 is alleged may file an action pursuant to those

sections in the superior court of the county in which the political subdivision is located. An action against a county office of education~~or~~, a school district, *or a community college district* may not be brought unless the voter has presented a written claim to the county office of education~~or~~, the school district, *or the community college district* pursuant to Section 14033.

SEC. 3. Section 14033 is added to the Elections Code, to read:

14033. (a) Prior to bringing an action against a county office of education or a school district alleging a violation of Sections 14027 and 14028, a voter must present a written claim to the county office of education~~or~~, the school district ~~not later than 120 days prior to the date of the election~~, *or the community college district* that is the subject of the claim and the written claim shall, at a minimum, contain all of the following:

(1) The name and address of the claimant.

(2) A description of the circumstances which gave rise to the claim

(3) The relief requested by the claimant.

(4) *A timeline for compliance with the relief requested.*

~~(4)~~

(5) The signature of the claimant.

(b) If the county office of education~~or~~, the school district, *or the community college district* does not respond to a claim presented pursuant to subdivision (a) not later than 30 days after receipt of the claim, the claimant may immediately file an action. In responding to a claim, the county office of education~~or~~, the school district, *or the community college district* must notify the respondent whether it accepts the claim, rejects the claim, or proposes to resolve the claim by relief not requested by the claimant.

(c) If the county office of education~~or~~, the school district, *or the community college district* proposes relief not requested by the claimant, the claimant must notify the county office of education~~or~~, the school district, *or the community college district* whether he or she accepts or rejects the proposed relief not later than 30 days after notification of the proposed relief. Upon notifying the county office of education~~or~~, the school district, *or the community college district* of rejection of the proposed relief, the claimant may ~~immediately~~ file an action.

(d) If the county office of education~~or~~, the school district, *or the community college district* accepts the claim, or the claimant accepts the relief proposed by the county office of education~~or~~, the school district, *or the community college district*, the county office of education~~or~~, the school district, *or the community college district* shall not be liable for any attorney's fees or litigation costs of claimant pursuant to Section 14030.

(e) *If a county office of education or school district accepts a claim, or the claimant accepts the relief proposed by the county office of education or school district, the county office of education or school district or an authorized official thereof shall, if voter approval of such relief is required, seek a waiver from the State Board of Education to allow for the relief. The State Board of Education shall grant such a waiver absent compelling reasons not to do so.*

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that a less financially burdensome process for a fair and open electoral system is provided to local government agencies that are already under severe financial hardship, it is necessary that this act take effect immediately.